

REMARKS

Upon entry of the amendments, claims 1-20 will be pending in the application. Claims 1-5 and 9-12 were rejected in the Office Action of November 5, 2003. Claim 8 was allowed. Claims 6 and 7 were acknowledged as containing allowable subject matter, but were objected to because they depended upon a rejected base claim. Therefore, claim 6 has been amended to be in independent form and the requisite fee is being forwarded with this response. New dependent claims 13-20 were added to cover additional embodiments described in the application.

Applicants thank the Examiner for the interview on February 3, 2004 and provide the following comments.

Claim Rejections – 35 U.S.C. § 102

The following anticipation rejections were issued in the Office Action:

1. claim 11 (the Examiner explained during the interview that the rejection only pertained to claim 11, the previous rejections were not maintained) is rejected as being anticipated by Ritola (US '755);
2. claim 11 (the Examiner explained during the interview that the rejection only pertained to claim 11, the previous rejections were not maintained) is rejected as being anticipated by Dron (US '307); and
3. claims 1-4, 9, 10, and 12 are rejected as anticipated by Klyver (US '331).

Applicants respectfully request that these rejections be withdrawn.

Regarding the first and the second rejection, Applicants respectfully assert that Ritola and Dron fail to disclose “said rest position and said transfer position being both located on the same side of the conveyor, which is that side facing the sorting compartments”. The rest position and

transfer position of Ritola and Dron are not on the side of the conveyor facing the sorting compartments.

Regarding the third rejection, Applicants respectfully submit that Klyver fails to inherently or explicitly disclose the features of independent claims 1 and 12.

Independent claim 1 details:

“a transfer device located wholly on a side of the conveyor facing the sorting compartments”

During the interview, the arrangement of Klyver was discussed in detail. In particular, arguments were presented explaining how both reference parts 55 and 56 of Klyver were used to transfer the item. It was acknowledged that reference part 55 would not have a passive position located between the conveyor path and the sorting compartment. However, the Examiner noted that reference part 56 could potentially provide disclosure for this feature. The Examiner explained that parts 55 and 56 could be considered the transfer device and that part 56 could be considered a transfer member. Applicants have carefully considered this matter and respectfully assert that even if part 56 could be considered a transfer member of the transfer device that the claimed feature would not be inherently or explicitly disclosed by Klyver because the transfer device of Klyver is not located wholly on a side of the conveyor facing the sorting compartments. The transfer device bridges the conveyor. Klyver fails to disclose the features of independent claim 1 and the resulting dependant claims.

Independent claim 12 sets forth that:

“a transfer member being movable from a rest position to a gripping position in a direction from the infeed ends of the sorting compartments towards the conveyor to grip a timber piece carried

thereby and then back to a transfer position where the timber piece gripped in the gripping position is transferred to a specific sorting compartment”.

Klyver fails to disclose a transfer arm having the claimed positions (rest position, gripping position, transfer position). Therefore, the Klyver patent fails to anticipate claim 12.

Claim Rejections – 35 U.S.C. § 103

Claim 5 is rejected as obvious in view of Klyver and Ritola. Applicants respectfully submit that this obviousness rejection should be withdrawn. Claim 5 depends from claim 1, which is not anticipated or obvious in view of the cited prior art.

New Claims

Applicants have added new claims 13-20, which are supported by the disclosure appearing on page 7, lines 27-30, of the specification. Applicants respectfully submit that the new claims are allowable in view of the cited prior art.

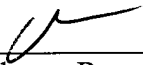
CONCLUSION

Applicants respectfully request allowance of the application. If any additional fees are due in connection with the filing of this response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,

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Signature:



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